

REMARKS

Claims 1-10 and 12-21 are pending in this application. By this Amendment, claims 1, 14, 15 and 21 are amended. No new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration as the amendments amplify issues previously discussed throughout prosecution; and (c) place the application in better form for appeal, should an appeal be necessary. Entry of the amendments is thus respectfully requested.

I. Claim Rejections Under 35 U.S.C. §102

Claims 1-4, 7-10, 12-15 and 21 are rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,512,510 to Maeda. The rejection is respectfully traversed.

Maeda fails to disclose each and every feature recited in the rejected claims, as amended. For example, Maeda fails to disclose a pointing device including a sensor substrate having a flat board form; a stick member vertically provided on one surface of the sensor substrate, a portion of a bottom surface of the stick member in direct contact with the one surface of the sensor substrate; first and second pairs of strain sensors formed on another surface of the sensor substrate that is opposite to the one surface on which the stick member is provided, the strain sensors in the first pair and the second pair being respectively arranged in symmetrical relation to each other with respect to the stick member; and slits formed in the sensor substrate, each slit being constructed from a first slit portion positioned at a side of one of the strain sensors in the first pair and a second slit portion positioned at a side of one of the strain sensors in the second pair, the first slit portion and the second slit portion being connected to form the slit in an L-shape, as recited in amended claim 1, or the similar feature as recited in amended claims 14, 15 and 21.

Maeda relates to a keyboard device for use in computers which has a pointing device that uses strain gauges incorporated therein (col. 1, lines 10-13). As shown in Figs. 2 and 3 of Maeda, the device includes a flexible control member 2 which comprises a prismatic operating portion 3, and four beam portions 4a-4d connected at one end to the bottom of the operating portion 3 and radially extending from the bottom at right angles to one another in the form of a cross. Four connecting portions 5 are connected to other ends of the beam portions and four triangular holes 6 are formed at the corners of the operating portion and enclosed by adjoining beam portions 4a-4d and the connecting portions 5 so as to separate the beam portions 4a-4d (col. 4, lines 6-15).

The entire flexible control member sits atop a mounting member 12 formed of a flat metal plate that has an octagonal receiving portion 12a. The control member 2 is placed on the receiving portion 12a (col. 4, lines 46-55). A flexible substrate 8 is attached to the control member 2 mounted on the mounting member 12 by passing the operating portion 3 through a hole in the flexible substrate 8 and bonding the lower surface of the base portion of the substrate 8b onto the beam portions 4a-4d with an adhesive (col. 4, lines 59-64). When the flexible substrate 8 is attached to the control member 2 strain gauges 9a-9d are placed on the beam portions 4a-4d.

It is alleged in the Office Action that the flexible control member 2 corresponds to the stick member recited in the rejected claims. It is further alleged that the flexible substrate 8 corresponds to the sensor substrate recited in the rejected claims. However, the flexible control member 2 of Maeda does not have a bottom portion surface that is in direct contact with one surface of the sensor substrate. Rather, as clearly shown in Figs. 2 and 3 and described in the specification, the bottom of the flexible control member 2 is attached to the four beam portions 4a-4d (col. 4, lines 4-15 and col. 5, lines 39-53 of Maeda).

It is further alleged in the Office Action that Maeda discloses slits formed in the sensor substrate, each slit being constructed from a first slit portion positioned at one side of a strained sensor in the first pair and a second slit portion positioned at a side of one of the strained sensors in the second pair, the first slit portion and the second slit portion being connected to form the slit in an L-shape. To support this allegation, col. 5, line 34 through col. 6, line 64 of Maeda is cited. However, there is no description of any slit in either the cited section of Maeda or in any other portion of the reference. The Office Action also identifies the triangular holes 6 and triangular holes 8d as corresponding to the slits.

As the reference specifically describes triangular holes, interpreting such holes as an L-shaped slit conflicts with the specific disclosure of the reference. By definition, a slit is a long narrow cut or opening (see *The American Heritage College Dictionary*, Third Edition). Moreover, during examination, claim language must be interpreted in a manner consistent with the specification (See MPEP §2111). Thus, interpreting a triangular hole to correspond to first and second slits which form an L-shape is improper and erroneous.

For at least these reasons, Maeda fails to anticipate the subject matter of claims 1-4, 7-10, 12-15, and 21. Accordingly, withdrawal of the rejection is respectfully requested.

II. Claim Rejections Under 35 U.S.C. §103

Claims 5 and 6 are rejected under 35 U.S.C. §103(a) as unpatentable over Maeda; and claims 16-20 are rejected under 35 U.S.C. §103(a) as unpatentable over Maeda in view of Applicant's admitted prior art (AAPA). The rejections are respectfully traversed.

Claims 5, 6 and 16-20 are allowable for at least their dependency on their respective base claims for the reasons discussed above, as well as for the additional features recited therein.

Further, in rejecting claims 5, 6 and 18-20, although it is admitted in the Office Action that Maeda fails to disclose the features recited therein, it is alleged that the claims are

obvious because such features were "well known and commonly understood at the time of the invention."

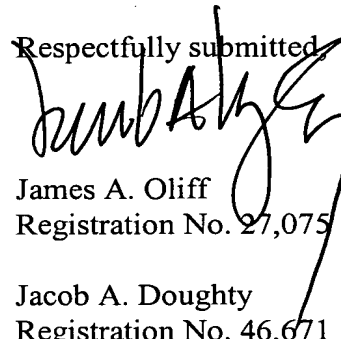
Although "common knowledge" is asserted, no proper evidentiary support is provided. "It is never appropriate to rely totally on 'common knowledge' in the art without evidentiary support in the record, as the principal evidence upon which a rejection was based." See MPEP §2144.03 citing *In re Henry Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697. Accordingly, with all rejections of claims 5, 6 and 16-20 is respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-10 and 12-21 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

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